

REMARKS

In the final Office Action mailed August 12, 2003, the Examiner noted that claims 1-27 were pending, and rejected all claims. Claim 1 has been amended and new claim 28 has been added, and, thus, in view of the forgoing claims 1-28 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Office Action the Examiner objected to claims 11 and 12. The claims have been amended in consideration of the Examiner's comments. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the objection is requested.

In the Office Action the Examiner has rejected all claims under 35 USC section 103 over various combinations of newly cited Oliver, previously cited Nakaoka and newly cited Beck. The Examiner is using Oliver as the primary reference.

The Examiner acknowledges that Oliver does not disclose the ratio of the present invention ("...where Oliver does not specifically disclose the 'ratio', but represents the 'ratio' through the EV-related information pertaining to the percent complete being displayed." see Action, page 4). As a result, the Examiner is apparently basing the rejection over Oliver on an allegation that the "ratio" of the present invention is equivalent to the "EV" or earned value used by Oliver in project analysis because they both address a percent complete.

The present invention sends jobs messages to workers and receives reply messages from the workers indicating job parts completion allowing job parts completion status to be determined and displayed.

Oliver is very different from the present invention. Oliver relates to an assessment program for calculating costs needed to complete one project, such as total working hours, etc., in order to assess the project. EV-related information disclosed in Table 2 of Oliver (Table 2 in col. 5-6) is the percents of cost variance and the percent of schedule variance, which all are used to the entire project.

Oliver merely discloses a method for assessing the cost and schedule of one entire project. Oliver fails to disclose that the acquisition unit of a message processing apparatus receives the reply message of each of a plurality of receivers who do a job in a group, and obtains information indicating whether he/she has completed his/her assigned part of the job from each reply message (see claims 1, 9, 15, 17, 21, 22 and 24). Oliver also fails to disclose

that the control unit of the message processing apparatus calculates a ratio of receivers who have completed the respectively assigned parts of the job to all the plurality of receivers of the message who do the job, based on the information obtained by the acquisition unit, and causes a terminal apparatus to display the ratio (see claims 1, 9, 15, 17, 21, 22 and 24).

In particular, the "ratio" of the present invention is a ratio of persons who have received the message and completed the assigned parts of the job to all the persons who have received the message and have been assigned the parts of the job (or message received & part completed ÷ message received & part assigned) see application pages 22-24, figure 13 and claim 1.

The EV of Oliver is not equivalent to this feature of the present invention. The EV or earned value of Oliver, expressed as a percentage (EV %), is a measurement of a project's costs:

In managing a project, earned value (EV) analysis is applied to provide a more objective measurement of a **project's cost** and schedule performance than other project management methods. EV information facilitates analysis of the project's cost and schedule. For example, by comparing earned value with a baseline, the value of the work accomplished is compared to the value of the work planned. By comparing earned value and actuals, the value of work accomplished is compared to the value of the costs actually spent.

See Oliver, col. 2, lines 8-17, bold emphasis added.

In Oliver costs are actual costs that include, for example, actual effort hours:

The baseline is referenced throughout the project with the actual data. The actual data refers to the start and finish dates for tasks and actual costs, e.g., **actual effort hours**, applied or spent on a work assignment, output, set of outputs, or the overall project. At periodic time intervals during the project, the actuals and baseline are compared to determine a variance from the plan and also to forecast anticipated completion dates and costs for all remaining work. The forecast is the predicted cost, e.g., effort hours, to be spent to complete the remainder of a work assignment, output, set of outputs, or the overall project.

See Oliver, col. 1, lines 50-54, bold emphasis added.

This is very different from the ratio of the present invention. An example may be helpful to explaining this difference. Assume that job parts have been assigned to 4 people and that each part takes 10 actual effort hours so that completing all parts would take 40 actual effort hours. Also assume that that two people have completed 50% of their parts and two people have completed 100 percent of their parts. The earned value (EV) in accordance with Oliver is $EV = (5 \text{ hrs.} + 5 \text{ hrs.} + 10 \text{ hrs.} + 10 \text{ hrs.}) / 40 \text{ hrs.} = 30/40 = 75\%$. The ratio according to the present invention would be $\text{ratio} = 2/4 = 50\%$. The present invention and Oliver provide very different measures of project status. As another example, assume that we have two people that have

completed 100 percent of their jobs and two people who have completed 50 percent of their jobs. The percent complete (not the cost EV as in the above example) of Oliver would be $(100 + 100 + 50 + 50) / 4 = 75\%$. The ratio of the invention would be $2/4 = 50\%$. This is a distinct difference because the present invention deals with a ratio of individuals or persons corresponding to parts and not job percent or cost percent as in Oliver. The ratio of the present invention allows job parts completion progress status to be measured, something that Oliver does not provide.

The distinction discussed above is emphasized in the claims ("a ratio of persons who have received the message and completed the assigned parts of the job to all the persons who have received the message and have been assigned the parts of the job" - claim 1, "a ratio of persons who have completed respectively assigned parts of a job associated with the message among a plurality of receivers of the message" - claims 9, 15, 17 and 21 and "a ratio indicating a number of receivers who have completed the parts of the job" - claims 22 and 24).

Nakaoka and Beck do not teach or suggest this ratio feature of the present invention and thus add nothing to Oliver concerning measuring jobs parts completion progress.

It is submitted that claims 1, 9, 15, 17, 21, 22 and 24 distinguish over Oliver, Nakaoka and Beck for the above discussed reasons.

The present invention has another distinction over Oliver. The Examiner, at the top of page 4 of the office Action, appears to be asserting that a worker must access a computer though a GUI to enter actual effort hours in the Oliver system to allow the EV to be calculated. Even if this is correct, this is very different from the present invention where a message is sent to a person assigned a job and the person responds with the completion state of the job (see application page number 3, line 18+ and claim 1). Oliver does not disclose such a feature. (In fact, Oliver does not discuss any details about how the data for actual efforts hours is input into the Oliver system.)

This additional distinction is also emphasized in the claims ("transmitting a job completion message and receiving a job completion reply from persons in a group who have been assigned part of a job" - claim 1, "a name of a receiver who has completed the assigned part of the job" - claim 9 and similar language in claims 15, 17, 21, 22 and 24).

Nakaoka and Beck do not teach or suggest this message and reply feature of the present invention and thus add nothing to Oliver concerning messaging in measuring jobs parts completion progress.

It is submitted that claims 1, 9, 15, 17, 21, 22 and 24 distinguish over Oliver, Nakaoka and Beck for the above discussed additional reason.

The dependent claims also depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art.

The Examiner asserts that Nakaoka discloses a reply - confirmation button, such as emphasized in dependent claim 4, and that this allows a reply. The button of Nakaoka is part of a task list display 1520 (see figure 11 and col. 11, lines 39+) that a worker must access via a task information display unit 1030 (see Nakaoka, col. 8, lines 19-24 and lines 51-65). That is, the button of Nakaoka is in a GUI that the worker accesses and not in a message sent to the worker as in the present invention (see claim 4).

The Examiner cites Beck and alleges the Beck identifier is equivalent to the transfer-limiting indicator of the present invention of dependent claim 13. The Beck identifier keeps a user from accessing other user's data whereas the indicator of the present invention (claim 13) prevents or limits a transfer, two very different features.

New claim 28 emphasizes that the present invention obtains job completion information for people who have been assigned parts of the job and then determines a ratio of individuals who have completed their parts of the job. As discussed above, the prior art does not teach or suggest such.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

2/12/4

By: _____


J. Randall Beckers

Registration No. 30,358

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501